

**RE: Petition Under 37 CFR 1.313(c)
PETITION TO WITHDRAW FROM ISSUE
Issue Fee Already Paid**

TO: Office of Petitions

Mail Stop Petitions,
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FACSIMILE: 703-872-9306

App. Ser. No.: 10/705,342
Filing Date: 11/10/2003
Inventor: Minges, Marcus C.
Title: Rail Mounted Traversing Transport
Examiner: Jules, F.
Art Unit: 3617

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

**PETITION Under 37 C.F.R. 1.313(c)
TO WITHDRAW FROM ISSUE
AFTER PAYMENT OF ISSUE FEE**

FAX RECEIVED

JUL 05 2005

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

OFFICE OF PETITIONS

Request for Withdrawal

The above-identified Applicant respectfully requests the Commissioner withdraw from issue the application serial number 10/705,342, which was filed on November 10, 2003. The issue fee has been paid. If the Commissioner requires additional action that may benefit from a conference call, Applicant invites a telephone call to its attorney Nathan Johnson at 205-521-8369. Electronic correspondence is authorized.

Basis For Request

Under 37 CFR 1.313(c), this petition is supported by the following:

(1) REASON: Applicant requests the withdrawal from issue for consideration of a Request for Continued Examination in compliance with 37 CFR 1.114. The application in question was filed after June 8, 1995. This satisfies the requirement of 37 CFR 1.313(c)(2).

a. Further Information: Applicant attaches hereto a copy of the proposed Request for Continued Examination. The Submission accompanying the RCE is (1) an amendment to the Specification; (2) a Terminal Disclaimer; and (3) argument related to the Terminal Disclaimer. The specific reason for the request is (a) to allow revision to the Abstract (supported by the originally-filed specification) and the correction of a typographical error in paragraph [0038]; and (b) to ensure as stated in the argument of the submission that the Examiner considered whether there was a need for a terminal disclaimer. Upon quality review of the application in preparation for issuance, the applicant discovered that there has been no terminal disclaimer requirement made, and that the office should consider whether such a disclaimer is

appropriate in light of any potential for an obviousness-type double patenting rejection. In an effort to ensure that it fully complies with its duty of candor to the Office, the RCE requests consideration of any double-patenting issues that may not have been recognized by the Examiner in the face of the designation of the application as a "divisional." This recitation of specific reason is provided pursuant to MPEP 1308(I)(B)(para.2).

- b. Further Information: Applicant called the Examiner on June 30, 2005 to inquire whether the potential for a double-patenting issue should be considered, and mentioning that there had been no restriction requirement in the parent application; the Examiner indicated he would not withdraw the case from issue on the initiative of the Office, but that applicant could request withdrawal.

(2) STATUS: The Issue Fee has been paid, but the Applicant has not yet received an Issue Notification, and by telephone call to the Office of Petitions understands that a patent number has not yet been assigned (see cover letter).

(3) PETITION FEE: This paper is accompanied by a Credit Card Authorization form for payment of the Petition Fee set forth in 37 CFR 1.17(h); as a safety measure, authorization to charge Deposit Account 50-0954 for any underpayment is also provided.

(4) RCE: The RCE referred to above is attached hereto, in compliance with MPEP 1308(I)(B)(para.2). The RCE is accompanied by:

- a. RCE SUBMISSION: The RCE is accompanied by a submission (detailed in Section 1(a), above), which is believed to be proper under 37 CFR 1.114.
- b. RCE FEE: The RCE is accompanied by a Credit Card Authorization form for payment of the fee set forth in 37 CFR 1.17(e); as a safety measure, authorization to charge Deposit Account 50-0954 for any underpayment is also provided.

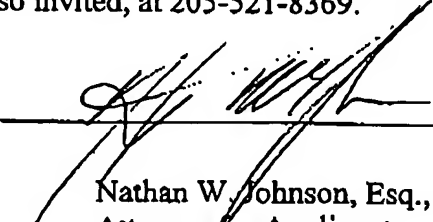
The foregoing facts and showings are believed to satisfy all requirements of 37 C.F.R. 1.313(c) and the petition is due to be granted pursuant to the policy enunciated in MPEP 1308.

THEREFORE, applicant respectfully requests this application be withdrawn from issue.

Grant of this Petition is respectfully requested. Applicant authorizes the Office to correspond with its attorney and to transact official business by e-mail to Njohnson@bradleyarant.com. Telephone calls to Nathan W. Johnson are also invited, at 205-521-8369.

7-5-05

Date


Nathan W. Johnson, Esq., Reg. No. 44,173
Attorney for Applicant